

[PROPOSED] ORDER GRANTING PLAINTIFF’S MOTION FOR A PROTECTIVE ORDER, QUASHING ALL THE SUBPOENAS ISSUED BY DEFENDANT MINEONE WYOMING DATA CENTER, LLC IN AUGUST 2024, AWARDING PLAINTIFF BCB ITS ATTORNEY FEES INCURRED RESISTING AND DEFENDING AGAINST THESE VEXATIOUS DUPLICATIVE, AND UNDULY BURDENSOME SUBPOENAS AND DEPOSITIONS, ENTERING THE SANCTION OF DEFAULT AGAINST DEFENDANT MINEONE WYOMING DATA CENTER LLC, AND REVOKING PAULA COLBATH’S PRO HAC VICE AUTHORITY TO PRACTICE IN THIS CASE IN THIS COURT

Before the Court is Plaintiff BCB's "*Emergency Motion For a Protective Order, Quashing MineOne's August 2024 Subpoenas on Passive Investors of BCB, For the Sanction of Default Against MineOne Wyoming Data Center LLC, For the Award of BCB's Attorney Fees Defending Against These Harassing Subpoenas, and For the Revocation of the Court Pro Hac Vice Admission of MineOne's New York City Counsel, Paula K. Colbath*" ("*Emergency Motion*").

The Court has carefully reviewed the *Emergency Motion*, heard the arguments of counsel, FINDS there is good cause to grant this *Emergency Motion*, and FURTHER FINDS AND ORDERS that the Court:

- (i) Issues its protective order forbidding all of these August 2024 subpoenas to Dr. Bryce Fincham, James Quid, Todd Edwards, Barney Patsel, CMV Global LLC, Bayview Capital Investments LLC, and Cheyenne Light, Fuel, and Power Company (a wholly owned subsidiary of Black Hills Energy);
- (ii) Issues its order quashing all of these August 2024 subpoenas;
- (iii) Awards BCB its attorney fees BCB incurred resisting these wrongful subpoenas, and reimbursing BCB for the fees and costs BCB has already incurred retaining foreign counsel in Illinois and Ohio to resist these wrongful subpoenas, in an amount to be determined after Plaintiff submits its proposed attorney fees and costs, and Defendant MineOne Data Center LLC responds to the BCB's Fee Application ten (10) days after BCB files its Fee Application;
- (iv) Issues its order finding MineOne Wyoming Data Center LLC to be in default on Plaintiff's First Amended Complaint and on all of MineOne's

Counterclaims as a discovery sanction for this abuse of the discovery process; and

- (v) Issues its further order revoking Paula Colbath's *pro hac vice* authority to represent any of the three MineOne Defendants (MINEONE WYOMING DATA CENTER LLC, MINEONE PARTNERS LLC, and TERRA CRYPTO INC.) from this point forward in this litigation.

Dated this _____ day of _____, 2024.

BY THE COURT: _____

United States District Judge